

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Dawan Taylor,

Civil 10-669 RHK/FLN

Plaintiff,

v.

REPORT & RECOMMENDATION

K. Goines and Beadling,

Defendant.

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1. The complaint in this case was filed on March 8, 2010. When no answer was filed on behalf of defendant(s) or other appearance made within the time required by the rules, the Court issued an order on October 7, 2010, which by its terms required plaintiff to take certain action.

2. Plaintiff thereafter made a request for appointment of counsel[#14] which was denied by the Court on November 2, 2010 [#15].

3. On December 9, 2010, Plaintiff made a motion to stay proceedings until his release from prison. He does not disclose in his motion when he is scheduled to be released. In granting the Plaintiff's petition to proceed *in forma pauperis*, the Court deferred ruling on the adequacy of the complaint as contemplated by Title 28 U.S.C. §1915A [#8], but in an earlier order the Court had observed that Plaintiff's complaint may well not survive such screening, as it appears from the complaint that Plaintiff has not exhausted all of his available administrative remedies [#3 n.1].

Under the foregoing circumstances, the Court concludes that dismissal without prejudice is more appropriate than an indefinite stay.

RECOMMENDATION

Based upon the foregoing, IT IS RECOMMENDED that the court issue an order dismissing this case without prejudice.

DATED: December 13, 2010.

S/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **December 27, 2010**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.